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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,301	05/29/2001	Robert H. Scheer	31083.05US4	6151

34018 7590 05/05/2006

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EXAMINER	
JASMIN, LYNDA C	

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/867,301	SCHEER, ROBERT H.	
	Examiner	Art Unit	
	Lynda Jasmin	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-18 and 20-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-18 and 20-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Amendment received February 09, 2006 has been acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 4-17, 18, 20-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abdel-Malek et al. (6,959,235), in view of Yang et al. (2001/0034673).

Abdel-Malek et al. discloses a method embodied in a computer readable media for moving one or more physical items (via parts requisition for locomotive) in a supply

chain that is distributed over a plurality of geographic locations (via locomotive and other asset used in industrial processes) with the steps of:

extracting information from a customer maintenance system (via monitoring and diagnostic service center "MDSC" 20) indicative of a change in a scheduled maintenance work order (via conducting predictive analyses to identify components that are likely to fail in the near term) to create an advance demand notice (repair recommendations) that includes a specification of one or more physical items excepted to be used during a repair procedure (via schematics, maintenance manuals, and other technical documentation stored at the MDSC; col. 2, lines 50-61) see also (col. 6, lines 1-7).

Abdel-Malek et al. further discloses extracting from the customer system information pertaining to a completion of the repair procedure (col. 5, lines 37-42) and using the information to populate the equipment knowledge base for use in future probability of need calculations (via expert analysis; col. 8, lines 34-49).

Abdel-Malek further discloses the concept of providing maintenance for supply chain (via any mobile asset) where a knowledge base or experience database of data and people is utilized. This knowledge base forms maintenance repository of historical data that is consulted for predictions of system and component failure modes and events (expert repository 42; col. 7, lines 19-49).

However, Abdel-Malek fails to explicitly discloses using a network of intelligent software agents to move each of the one or more physical items specified in the advance demand notice to a respective at least one of the plurality of geographic

locations within the supply chain as a function of a probability of need for each of the one or more physical items.

Yang et al. discloses the concept of planning and managing parts inventory for entities in a supply chain with the step of indicating service parts needs at one or more locations. Yang et al. further discloses the concept of monitoring a customer system and typically adopts a replenishment model to maintain a steady inventory of service parts within its internal supply chain, the objective being to ensure that service parts are always available in sufficient quantities to allow the customer to conduct business operations. In some cases, instead or in addition to holding dedicated inventory within its own supply chain, customer may enter into outsourcing agreements with one or more distributors by which the distributors assume the responsibility to maintain inventory at a level sufficient to provide a specified level of service to customer. Customer may not maintain (itself or through distributors) an inventory of all the service parts that it requires. Further, there is often a need to move inventory between distribution centers within supply chain.

From this teaching of Yang et al. it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the monitoring diagnostic service center system of Abdel-Malek to include the network of intelligent software agents (via manager application) taught by Yang et al. in order to fulfill service parts between one or more customer locations.

Response to Arguments

5. Applicant's arguments filed February 09, 2006 have been fully considered but they are not persuasive.

Applicant first argues that "Abdel-Malek fails to disclose, teach, or suggest the claimed using intelligent agents/computer instructions to move each of one or more physical items specified in an advance demand notice/work order (i.e., using information extracted from a work order within a customer maintenance system) to a respective one of a plurality of geographic locations within a supply chain as function of a probability that each of the one or more physical items specified in the scheduled maintenance activity/work order will be needed to effect a repair procedure that is in keeping with the scheduled maintenance activity/work order from which the information was extracted in the first instance." The Examiner respectfully disagrees. Abdel-Malek discloses extracting information from a customer maintenance system (via monitoring and diagnostic service center "MDSC" 20) indicative of a change in a scheduled maintenance work order (via conducting predictive analyses to identify components that are likely to fail in the near term) to create an advance demand notice (repair recommendations) that includes a specification of one or more physical items excepted to be used during a repair procedure (via schematics, maintenance manuals, and other technical documentation stored at the MDSC; col. 2, lines 50-61) see also (col. 6, lines 1-7). Abdel-Malek et al. further discloses extracting from the customer system information pertaining to a completion of the repair procedure (col. 5, lines 37-42) and

using the information to populate the equipment knowledge base for use in future probability of need calculations (via expert analysis; col. 8, lines 34-49).

In response to applicant's argument that "the combination of Abdel-Malek cannot be said to support a prima facie case of obviousness and it is respectfully requested that the rejection of the claims be withdrawn," the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-

6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lynda Jasmin
Primary Examiner
Art Unit 3627

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